

CNR WBUD01-003683-2016,

J.O.CODE WB00993

POCSO-58/2025

17/10.03.2026

Today is fixed for hearing of bail petition filed on behalf of the accused Bikash Karmakar on 06.03.26.

Ld advocate for the accused Bikash Karmakar @ Bikram Karmakar is present.

Ld P.P is present.

The Defacto complainant has appeared by filing vokalatnama.

Ld advocate for the defacto complainant is also present.

Heard Ld advocate for the accused.

Ld advocate submitted that this accused is in custody since 17.06.25. The entire investigation has already been completed and CS has already been filed against the accused persons. Ld advocate further emphasized that one of the female accused namely Anjali Karmakar is on bail. Another accused against whom CS was filed namely Krishna Karmakar is a CCL and the case against him was split up and he was produced before the JJB for facing enquiry. This accused Bikash Karmakar @ Bikram Karmakar is languishing in custody since 17.06.25. Ld advocate further submitted that after completing investigation, the IO submitted charge-sheet against the three accused persons in respect of offences punishable u/s. 137(2) BNS and section-6 POCSO Act.

Ld advocate argued that in order to establish any charge u/s. 6 POCSO Act, medical examination of victim is a must. But this is an exceptional case where the victim has refused to undergo medical examination. Therefore, there is no basis to file charge-sheet u/s. 6 of POCSO Act which deals with the offence of "aggravated penetrative sexual assault".

Ld advocate further submitted that detention of the accused in custody is no more required.

Ld advocate accordingly prayed for allowing bail to the accused on any condition.

Ld P.P raised objection and submitted that this is a case where C/S has filed u/s. 6 of POCSO Act against this accused.

Ld P.P however admitted that the victim had refused to undergo medical examination.

Ld advocate for the defacto complainant raised objection and submitted that if the accused is granted bail, there is every possibility that the accused shall try to influence witnesses. Ld advocate accordingly prayed for rejection of bail application.

I have heard all the sides. I have perused the case record including FIR, charge-sheet and other relevant documents such as seizure list.

I have perused the CD including the statements of witnesses recorded u/s. 180 BNSS. I have also perused statements of witnesses recorded u/s. 183 BNSS.

I take into special consideration the fact that the victim has refused any medical examination. Therefore, at this stage, there is no medical examination report on record. It is clear that even during trial, no further development in this respect is going to take place.

I concede to the submissions made on behalf of the accused that in the absence of any medical examination report, the charge u/s. 6 of POCSO Act cannot be established.

Having considered other relevant circumstances, I find that the investigation is already over. The accused has remained in custody during the period of investigation since 17.06.25. C/S was filed on 30.06.25.

The trial is about to commence and next date shall be fixed for consideration of charge.

I am of the view that further detention of the accused in custody is not required to ensure a fair trial.

Accordingly, the prayer for bail in respect of accused Bikash Karmakar @ Bikram Karmakar stands allowed.

The accused may find bail of Rs. 8000/- with one surety of like amount.

If on bail, to 22.06.2026 for appearance without fail.

To date for consideration of charge.

D/C by me.

Judge, Special Court ( POCSO)  
Raiganj, UttarDianjpur

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Raiganj, UttarDianjpur